

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

HILLSIDE PRODUCTIONS, INC., a)
Michigan corporation, RONCELLI,)
INC., a Michigan corporation, L.V.)
MANAGEMENT, INC., a Michigan)
corporation, d/b/a ANDIAMO,)
GARY RONCELLI, and JOSEPH)
VICARI,)

Plaintiffs,)

v.)

STEVE DUCHANE et al.,)

Defendants.)

FILED

MAY 23 2005

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

Case No. 02-73618

HONORABLE NANCY G. EDMUNDS

ORDER

This matter is before this Court on plaintiffs' motion to modify the settlement agreement. As of this date, defendants have not filed any response to plaintiffs' motion.

This Court has reviewed the grounds set forth in plaintiffs' motion, and believe there to be good cause to amend the settlement agreement. At the time the settlement agreement was negotiated - in February and March, 2004, all the parties to the settlement agreement understood and acted in the belief that the matters in *City of Sterling Heights et al. v. United National Ins. Co. et al*, Case No. 2:03-cv-72773, would be concluded, or nearly concluded, by January 1, 2005. However, for a variety of reasons having nothing to do with the plaintiffs in this case, there have been amended pleadings and numerous adjournments of discovery and motion deadlines and trial

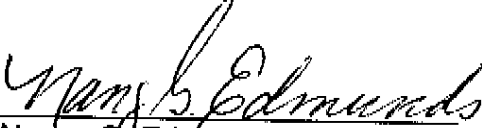
dates. These adjournments were outside the contemplation of the parties in this case when they were negotiating the settlement agreement, and were unknown to this Court at the time of the execution of the settlement agreement, but have worked to create a situation which went beyond what the parties intended at the time the settlement agreement was executed. This Court also finds that any further delay in disbursing the final payment under the settlement agreement to plaintiffs has the possibility of causing a hardship to plaintiffs, again outside that which the parties contemplated at the time of the execution of the settlement agreement.

THEREFORE, IT IS ORDERED THAT the settlement agreement entered into between the parties in the above-captioned matter on March 22, 2004, be amended, that that defendant the City of Sterling Heights direct Comerica Bank, which is holding the last payment of funds in an escrow account for the benefit of plaintiffs, transfer those funds by wire-transfer within twenty-four hours of signing of this Order, to the trust account of plaintiffs' counsel, the Victor Firm, PLLC, for disbursement to plaintiffs.

SO ORDERED:

MAY 23 2005

Dated: _____


Nancy G. Edmunds
United States District Court Judge